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ATTORNEYS FOR BOX ELDER COUNTY DEFENDANTS

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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION**

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NEHEMIAH MCFARLIN, and ATOATASI  
FOX,

Plaintiffs,

v.

BOX ELDER COUNTY; BOX ELDER  
COUNTY SHERIFF'S OFFICE; ADAM  
WALKER; JUSTIN ZILLES; SHANE  
NEBEKER; STEVEN BERRY; Z. MOORE;  
L. MAUGHAN; ONEIDA COUNTY;  
ONEIDA COUNTY SHERIFF'S OFFICE;  
SHERIFF JEFF SEMRAD; DETECTIVE  
PATSY SHERMAN; JOHN AND JANE  
DOES I-X,

Defendants.

**BOX ELDER COUNTY DEFENDANTS'  
REQUEST TO SUBMIT FOR DECISION  
RE:**

- 1) BOX ELDER COUNTY  
DEFENDANTS' MOTION FOR  
JUDGMENT ON THE  
PLEADINGS, AND**
- 2) PLAINTIFFS' MOTION FOR  
LEAVE TO AMEND COMPLAINT**

**\*ORAL ARGUMENT REQUESTED\***

Civil No.: 1:18-cv-00156-DAK

Judge Dale A. Kimball

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Pursuant to DUCivR 7-3, Defendants Box Elder County, Box Elder County Sheriff's Office, Sergeant Steven Berry, Detective Zachary Moore, and Lawrence Maughan (collectively "Box Elder County Defendants"), by and through counsel, hereby submit for decision 1) their Motion for Judgment on the Pleadings (Dkt. No. 28), and 2) Plaintiffs' Motion for Leave to

Amend Complaint (Dkt. No. 31). The Box Elder County Defendants state the following with respect to the pending motions:

**Box Elder County Defendants' Motion for Judgment on the Pleadings**

1. The Box Elder County Defendants filed their Motion for Judgment on the Pleadings on May 22, 2019 (Dkt. No. 28).
2. Plaintiffs filed their response on June 19, 2019 (Dkt. No. 32).
3. The Box Elder County Defendants filed their reply memorandum on July 12, 2019 (Dkt. No. 41).

**Plaintiffs' Motion for Leave to Amend Complaint**

1. Plaintiffs filed their Motion for Leave to Amend Complaint on June 19, 2019 (Dkt. No. 31).
2. The Box Elder County Defendants filed their response on July 12, 2019 (Dkt. No. 42).
3. Plaintiffs filed their reply memorandum on July 26, 2019 (Dkt. No. 45).

**Hearing**

The Box Elder County Defendants request a hearing on the aforementioned motions at the Court's earliest convenience. Pursuant to DUCivR 7-1(f), the Box Elder County Defendants submit that good cause exists to set oral argument on these motions because the motions contain overlapping issues, and if they are decided in Box Elder County Defendants' favor, they would dispose of all claims asserted against the Box Elder County Defendants. A hearing will assist the Court in its consideration of the factual positions and legal arguments of the parties contained in the legal memoranda listed above.

DATED this 15th day of October, 2019.

**DURHAM JONES & PINEGAR, P.C.**

/s/ R. Blake Hamilton

R. Blake Hamilton

Ashley M. Gregson

ATTORNEYS FOR BOX ELDER

COUNTY DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing document was served this  
15th day of October, 2019, via electronic filing upon the following:

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